

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES D. ALLEN, aka LLORD J.P.
ALLEN,

Plaintiff,

v.

RASHUAN Q. DEAN, et al.,

Defendants.

Case No. 1:21-cv-01150-NONE-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF NOS. 1 & 12)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

James D. Allen, also known as Llord Allen (“Plaintiff”), is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on July 29, 2021. (ECF No. 1). The Court screened Plaintiff’s complaint. (ECF No. 12). The Court found that only the following claims should proceed past the screening stage: Plaintiff’s First Amendment retaliation claim against defendant Dean. (Id.).

The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b. Notify the Court in writing that he does not want to file an amended complaint and instead wants to proceed only on his First Amendment retaliation claim against defendant Dean; or c. Notify the Court in writing that he wants to stand on his complaint.” (Id. at 15-16). On December 2, 2021, Plaintiff notified the Court that he wants to proceed only on his First Amendment retaliation claim against defendant Dean. (ECF No. 16). Plaintiff also stated that all other claims should be dismissed.

1 Accordingly, for the reasons set forth in the Court's screening order that was entered on
2 November 12, 2021 (ECF No. 12), and because Plaintiff has notified the Court that he wants to
3 proceed only on his First Amendment retaliation claim against defendant Dean (ECF No. 16), it
4 is HEREBY RECOMMENDED that all claims and defendants be dismissed, except for
5 Plaintiff's First Amendment retaliation claim against defendant Dean.

6 These findings and recommendations will be submitted to the United States district
7 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
8 **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may
9 file written objections with the Court. The document should be captioned "Objections to
10 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
11 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
12 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
13 (9th Cir. 1991)).

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15 IT IS SO ORDERED.

16 Dated: **December 6, 2021**

17 /s/ Eric P. Grogan
18 UNITED STATES MAGISTRATE JUDGE
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